Calendar No. 717

105TH CONGRESS, *2d Session* | SENATE | REPORT 105–411

COMMUNITY BROADCASTERS PROTECTION ACT OF 1998

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1427

OCTOBER 12 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

69–010 WASHINGTON : 1998

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

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Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1427]

The Committee on Commerce, Science, and Transportation, to which was referred S. 1427, "A Bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes", having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of S. 1427, as reported, is to preserve low-power community television broadcasting by directing the Federal Communications Commission (FCC) to issue regulations creating a permanent Class A license for qualifying low-power stations.

BACKGROUND AND NEEDS

In 1982 the FCC established low-power television (LPTV) service to provide opportunities for television service for locally-created and community-oriented programming in rural locations and communities within larger urban areas. LPTV service presents a less expensive means of delivering programming tailored to the interests and self-expression of viewers. LPTV has created opportunities for entry into television broadcasting and has permitted fuller use of the broadcasting spectrum. These stations operate at the higher ends of the broadcast spectrum and serve a more limited area, generally a coverage area of 12 to 15 miles.

Although the FCC generally imposes few regulatory barriers on the operation of LPTV stations, two major regulatory restrictions

limit LPTV stations. First, LPTV stations must operate with secondary status, which means that LPTV stations cannot interfere with the transmission of full-power television stations. Second, regulatory limits on effective radiated power (3 kilowatts for VHF channels and 150 kilowatts for UHF channels) are imposed on LPTV stations.

In the lower 48 states, 700 licensees operate approximately 1,500 LPTV stations in nearly 750 towns and cities, ranging in population size from a few hundred to communities of hundreds of thousands. About two-thirds of the stations serve rural communities. An additional 5,000 "TV translator stations" rebroadcast the signal of full-service stations, mostly in the western mountains.

LPTV stations are operated by diverse groups, high schools and colleges, churches and religious groups, local governments, large and small businesses, and individual citizens. More than 10 percent of the stations are licensed to minority groups or individuals. Many community broadcasters offer regional news and sports coverage. Others provide religious programming, all news, all sports, or all movie formats.

In providing all full-power television stations with a second digital television (DTV) channel, the FCC found that a number of stations, especially in major markets, would be displaced. In order to protect LPTV stations, the FCC has adopted a number of policies. They include allowing the LPTV stations displaced by a DTV station to apply for a suitable replacement channel in the same area without being subject to competing applications and amending the rules to allow such applications to be considered on a first-come, first-serve basis, without waiting for the FCC to open a low-power application window. LPTV stations also are permitted to operate until a displacing DTV station or a new primary service provider is operational.

Despite these regulatory protections, the digital era still threatens the operation of many LPTV stations. As the FCC reclaims spectrum to provide the second channels for DTV, some LPTV stations may cease operating during the transition to DTV or afterward. This changing climate has created uncertainty for many owners and operators of LPTV stations. S. 1427 would elevate LPTV stations from their current secondary status to a newly-created Class A license. An estimated 200 to 400 of the approximately 2,075 LPTV licenses could qualify for Class A status. Class A LPTV licensees would assume the same duties and responsibilities as their full-power counterparts.

LEGISLATIVE HISTORY

On November 11, 1997, Senator Ford introduced S. 1427, the Community Broadcasters Protection Act of 1997, to address the needs of community broadcasters. This bill is cosponsored by twenty Senators, including fourteen members of the Full Committee.

On October 1, 1998, the Committee met in open executive session to consider S. 1427 and, by voice vote, ordered the bill reported with an amendment in the nature of a substitute.

SUMMARY OF MAJOR PROVISIONS

As reported, S. 1427 would require the FCC to create new, permanent "Class A" licenses for LPTV stations.

An LPTV station would qualify for a Class A license if the station: (A) within the 90 days preceding the date of enactment: (i) broadcasts for at least 18 hours per day; (ii) averages at least 3 hours per week of local programming; and (iii) complies with the FCC's LPTV requirements; and (B) from the date of filing a Class A application, complies with FCC's rules for full power stations; or (C) the FCC determines by a public interest test that the public interest would be served by treating the station as a Class A station.

No LPTV station would be disqualified for a Class A license because of common ownership with any other mass medium.

The FCC would not be required to issue additional licenses for advance television services for Class A stations but would be required to accept license applications that would not cause interference as of the filing date of the Class A applications for advanced services.

Class A licensees could convert to advanced services but would not be required to do so until the FCC requires all full power stations to convert.

The bill contains specific language to clarify that nothing in the legislation would preempt section 337 of the Communications Act of 1934.

The bill contains specific language to ensure that the FCC will not grant a Class A license to any LPTV station operating between 698 and 806 megahertz (Channels 52–69) but permits LPTV stations assigned to and temporarily using these channels the opportunity to seek Class A status. For purposes of this bill, core spectrum licenses for Class A use would not include any of the 175 additional channels referenced in the FCC Report and Order: MM Docket No. 87–268 (February 17, 1998).

The bill, as reported, provides that the FCC may not grant or modify a Class A license absent a showing that the Class A station will not cause: (A) interference within the Grade B contour of any television station (as of the date of enactment) or the replicated service areas provided in the DTV Table of Allotments; (B) interference within the protected contour of any licensed LPTV or TV translator station or one authorized by construction permit or one with a pending displacement application submitted before the filing date of a Class A application or modification thereof; or (C) interference within the protected contour of wireless services, including public safety services.

ESTIMATED COSTS

In the opinion of the Committee, it is necessary under paragraph 11(a)(3) of rule XXVI of the Standing Rules of the Senate to dispense with the requirements of the paragraphs of 11(a) (1) and (2) of the rule and section 403 of the Congressional Budget Act of 1974 in order to expedite the business of the Senate.

REGULATORY IMPACT STATEMENT

In accordance with paragraph of 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

NUMBER OF PERSONS COVERED

The legislation would require the FCC to establish by rule a program to enable current low-power licensees to apply for a new Class A license. While approximately 2,075 LPTV licensees could apply for Class A status, industry estimates project that only 200 to 400 would seek Class A status. Those licensees seeking Class A licenses would be required to comply with additional FCC regulations, but only if those applicants voluntarily seek this new regulatory status.

The new Class A status would provide certainty to the licensees that currently have only temporary rights to use the broadcast spectrum. The permanent status would provide continuity to the hundreds of thousands of the viewers of the programming provided by community broadcasters.

Class A licensees will be covered by Part 73 regulations, including requirements related to children's programming, maintenance of a main studio, and retention of public files.

ECONOMIC IMPACT

This legislation would require the FCC to establish rules to create a new Class A status for qualifying low-power licensees. The legislation does not provide any additional authorization of funds to establish these rules. Additionally, the permanent status is expected to enhance the ability of community broadcasters to obtain long-term capital.

PRIVACY

This legislation would not have any adverse impact on the personal privacy of the individuals affected.

PAPERWORK

The bill may generate small amounts of administrative paperwork in association with the FCC's selection and oversight of the licensees voluntarily seeking Class A status.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites the short title of the bill as "The Community Broadcasters Protection Act of 1998."

Section 2. Findings

Section 2 sets forth four findings that establish the basis for enacting the bill.

Section 3. Preservation of Low-Power Community Television

Section 3 of the bill would amend section 336 of the Communications Act of 1934 (47 U.S.C. 336) by inserting a new subsection (f)

to preserve LPTV. Paragraph (1) of the new subsection requires the Commission to issue final rules within 120 days of the date of enactment which establish a Class A television license for qualifying LPTV licensees. These Class A licenses generally would be subject to the same terms and renewal standards as full-power licenses. Within 30 days of enactment, the Commission would be required to send a notice to all LPTV licensees which describes the requirements for Class A designation. Within 30 days of receipt of this notice, LPTV licensees seeking Class A status would be required to submit a certification of eligibility. Absent a material deficiency, the Commission would be required to grant this certification and preserve the contours of an LPTV licensee pending the final resolution of the Class A application. For purposes of new subsection (f), a "material deficiency" in an application means an application that is not substantially complete and does not contain the basic supporting information to document the applicant's claim for eligibility or the station's compliance with the requirements of Part 73. LPTV licensees would have to submit Class A applications within 30 days of the adoption of final regulations implementing the bill. The Commission would have 30 days from receipt of a qualifying application to award a Class A license.

Paragraph (2) of new subsection (f) provides that an LPTV station would qualify for a Class A license if:

(1) within the 90 days preceding the date of enactment of the bill, the LPTV station—

(A) broadcasts for at least 18 hours per day;

(B) averages at least 3 hours per week of local programming; and

(C) complies with the Commission's LPTV requirements;

(2) from the date of filing a Class A application, the LPTV station complies with the Commission's rules for full power stations; or

(3) the Commission determines by a public interest test that the public interest would be served by treating the LPTV station as a Class A station.

For purposes of new subsection (f), "local programming" means programming that is created and produced substantially within the grade B contour or principal service area of the station, whichever is larger. The Committee believes that this requirement should be applied flexibly. For example, if a station is producing a story about local crop damage, it would be reasonable to expect that the story would include comments from county, State, or Federal officials. Additionally, a local news program could include material from the State's capital city or from around the State, so long as the program is created and produced substantially within the principal service area of the station. However, if the station replays a 6:00 p.m. newscast later in the evening, the second airing would not be included as part of the minimal criteria for meeting and maintaining the requirements for Class A status.

Paragraph (3) of new subsection (f) provides that no LPTV station would be disqualified for a Class A license because of common ownership with any other mass medium.

Paragraph (4) of new subsection (f) provides that the Commission would not be required to issue additional licenses to Class A sta-

tions, but would be required to accept license applications that would not cause interference as of the filing date of the Class A application for advanced services. In reviewing these applications, the Commission would be required to consider the impact of such a grant on the primary television viewing audience of the applicant. For purposes of new subsection (f), "primary television viewing audience" means the population of households within the Grade B contour of the applicant. The new license or the original license of the applicant would be forfeited at the end of the DTV transition. Class A licensees would be eligible to convert to advanced services but would not be required to do so until the Commission required full-power stations to convert.

Paragraph (5) of new subsection (f) provides that nothing in the new subsection would preempt section 337 of the Communications Act of 1934. Section 337, which was enacted as part of the Balanced Budget Act of 1997 (P.L. 105–33), directs the Commission to begin the assignment of public safety licenses no later than September 30, 1998, and the assignment of commercial licenses by competitive bidding no later than January 1, 2001. When introduced, S. 1427 did not include this clarifying language concerning section 337. The FCC permits secondary service broadcasters to use the channels affected by section 337 on an interim basis, until the secondary user creates interference with the new license. After reviewing S. 1427 as introduced, certain public safety officials raised concerns that the permanent status granted to Class A licensees could result in a delay in the use of spectrum for public safety purposes. To address the concerns of the public safety community, statutory language was included to clarify that the new section 336(f) would not preempt any of the existing provisions of section 337.

Paragraph (6) of new subsection (f) would preclude the Commission from granting a Class A license to any LPTV station operating between 698 and 806 megahertz (Channels 52–69). LPTV stations assigned those frequencies would be permitted to apply for a Class A license, and the Commission would be required to issue a Class A license when a qualified licensee is awarded a channel within core spectrum. The core spectrum licenses would not include any of the 175 additional channels referenced in the FCC Report and Order: MM Docket No. 87–268 (February 23, 1998).

Paragraph (7) of new subsection (f) would preclude the Commission from granting or modifying a Class A license absent a showing that the Class A station would not cause:

(A) impermissible interference within the Grade B contour of any television station (as of the date of enactment of this act) or the replicated service areas provided in the DTV Table of Allotments;

(B) interference within the protected contour of any licensed LPTV or TV translator station or one authorized by construction permit or one with a pending displacement application submitted before the filing date of a Class A application or modification thereto; or

(C) impermissible interference within the protected contour for wireless services, including public safety services.

The Committee included the term "impermissible interference" to provide the FCC flexibility in making a determination of what constitutes interference. The Committee understands that the FCC will have to develop appropriate interference standards for the new Class A stations. For purposes of new subsection (f), the term "Grade B contour" means the protected contour of each station. For VHF stations on channels 2–6, the protected contour shall be 47dBu (decibels above 1 micro volt per meter), and for channels 7–13, the protected contour shall be 56 dBu. For all UHF stations, the protected contour shall be 64 dBu.

As introduced, the bill contained provisions that would have directed the FCC to provide very specific protections to Class A licensees terminated or rescinded because of the DTV allotments. The original version of S. 1427 would have provided that no Class A license could have been terminated or rescinded to implement amendments to the Table of Allotments adopted before the date of enactment unless the FCC met the following requirements: The FCC would have been required to revise the Table of Allotments to preserve Class A stations unless preservation: (1) would have precluded the assignment of an additional license to a full power station for advanced TV services; (2) would have required the FCC to rescind or revoke a construction permit to such a full power station; or (3) would have caused a significant delay or increase in the construction costs of DTV by a network-affiliated analog station in the top 30 markets. If the FCC could not have revised the Allotment Table to preserve Class A stations in that manner, the FCC would have been required to revise the Table of Allotments to preserve the Class A station in the same community by assigning the station a different frequency. If the FCC could not have achieved Class A status under either manner, the FCC would have been required to provide a license in an adjacent community. If the FCC still could not have achieved Class A status, the FCC would have been required to award a Class A license in a community acceptable to the licensee. The reported bill omits these requirements to avoid potential adverse impacts on the roll-out of DTV.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

[47 U.S.C. 336]

SEC. 336. BROADCAST SPECTRUM FLEXIBILITY.

(a) COMMISSION ACTION.—If the Commission determines to issue additional licenses for advanced television services, the Commission—

(1) should limit the initial eligibility for such licenses to persons that, as of the date of such issuance, are licensed to oper-

ate a television broadcast station or hold a permit to construct such a station (or both); and

(2) shall adopt regulations that allow the holders of such licenses to offer such ancillary or supplementary services on designated frequencies as may be consistent with the public interest, convenience, and necessity.

(b) CONTENTS OF REGULATIONS.—In prescribing the regulations required by subsection (a), the Commission shall—

(1) only permit such licensee or permittee to offer ancillary or supplementary services if the use of a designated frequency for such services is consistent with the technology or method designated by the Commission for the provision of advanced television services;

(2) limit the broadcasting of ancillary or supplementary services on designated frequencies so as to avoid derogation of any advanced television services, including high definition television broadcasts, that the Commission may require using such frequencies;

(3) apply to any other ancillary or supplementary service such of the Commission's regulations as are applicable to the offering of analogous services by any other person, except that no ancillary or supplementary service shall have any rights to carriage under section 614 or 615 or be deemed a multichannel video programming distributor for purposes of section 628;

(4) adopt such technical and other requirements as may be necessary or appropriate to assure the quality of the signal used to provide advanced television services, and may adopt regulations that stipulate the minimum number of hours per day that such signal must be transmitted; and

(5) prescribe such other regulations as may be necessary for the protection of the public interest, convenience, and necessity.

(c) RECOVERY OF LICENSE.—If the Commission grants a license for advanced television services to a person that, as of the date of such issuance, is licensed to operate a television broadcast station or holds a permit to construct such a station (or both), the Commission shall, as a condition of such license, require that either the additional license or the original license held by the licensee be surrendered to the Commission for reallocation or reassignment (or both) pursuant to Commission regulation.

(d) PUBLIC INTEREST REQUIREMENT.—Nothing in this section shall be construed as relieving a television broadcasting station from its obligation to serve the public interest, convenience, and necessity. In the Commission's review of any application for renewal of a broadcast license for a television station that provides ancillary or supplementary services, the television licensee shall establish that all of its program services on the existing or advanced television spectrum are in the public interest. Any violation of the Commission rules applicable to ancillary or supplementary services shall reflect upon the licensee's qualifications for renewal of its license.

(e) FEES.—

(1) SERVICES TO WHICH FEES APPLY.—If the regulations prescribed pursuant to subsection (a) permit a licensee to offer ancillary or supplementary services on a designated frequency—

(A) for which the payment of a subscription fee is required in order to receive such services, or

(B) for which the licensee directly or indirectly receives compensation from a third party in return for transmitting material furnished by such third party (other than commercial advertisements used to support broadcasting for which a subscription fee is not required),

the Commission shall establish a program to assess and collect from the licensee for such designated frequency an annual fee or other schedule or method of payment that promotes the objectives described in subparagraphs (A) and (B) of paragraph (2).

(2) COLLECTION OF FEES.—The program required by paragraph (1) shall—

(A) be designed (i) to recover for the public a portion of the value of the public spectrum resource made available for such commercial use, and (ii) to avoid unjust enrichment through the method employed to permit such uses of that resource;

(B) recover for the public an amount that, to the extent feasible, equals but does not exceed (over the term of the license) the amount that would have been recovered had such services been licensed pursuant to the provisions of section 309(j) of this Act and the Commission's regulations thereunder; and

(C) be adjusted by the Commission from time to time in order to continue to comply with the requirements of this paragraph.

(3) TREATMENT OF REVENUES.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), all proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

(B) RETENTION OF REVENUES.—Notwithstanding subparagraph (A), the salaries and expenses account of the Commission shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by this section and regulating and supervising advanced television services. Such offsetting collections shall be available for obligation subject to the terms and conditions of the receiving appropriations account, and shall be deposited in such accounts on a quarterly basis.

(4) REPORT.—Within 5 years after the date of enactment of the Telecommunications Act of 1996, the Commission shall report to the Congress on the implementation of the program required by this subsection, and shall annually thereafter advise the Congress on the amounts collected pursuant to such program.

(f) PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.—

(1) CREATION OF CLASS A LICENSES.—Within 120 days after the date of enactment of the Community Broadcasters Protection Act of 1998, the Commission shall prescribe regulations to establish a class A television license to be available to licensees of qualifying low-power television stations. Such license shall be subject to the same license terms, and renewal standards as the licenses for full-power television stations except as provided in this section, and each class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2). Within 30 days after the enactment of the Community Broadcasters Protection Act of 1998, the Commission shall send a notice to the licensees of all low-power televisions licenses that describes the requirements for Class A designation. Within 30 days after receipt of the notice, licensees intending to seek Class A designation shall submit to the Commission a certification of eligibility based on the qualification requirements of this Act. Absent a material deficiency, the Commission shall grant certification of eligibility to apply for Class A status. The Commission shall act to preserve the contours of low-power television licensees pending the final resolution of a Class A application. Under the requirements set forth in subsection (f)(2) (A) and (B) and subsection (f)(6) of this section, a licensee may submit an application for Class A designation under this paragraph only within 30 days after final regulations are adopted. The Commission shall, within 30 days after receipt of an application that is acceptable for filing, award such a class A television station license to any licensee of a qualifying low-power television station.

(2) QUALIFYING LOW-POWER TELEVISION STATIONS.—For purposes of this subsection, a station is a qualifying low-power television station if—

(A) during the 90 days preceding the date of enactment of the Community Broadcasters Protection Act of 1998—

(i) such station broadcast a minimum of 18 hours per day;

(ii) such station broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station, or the market area served by a group of commonly controlled stations that carry common local or specialized programming not otherwise available to their communities; and

(iii) such station was in compliance with the Commission's requirements applicable to low-power television stations; and

(B) from and after the date of its application for a Class A license, the station is in compliance with the Commission's operating rules for full power television stations; or

(C) the Commission determines that the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station for pur-

poses of this section, or for other reasons determined by the Commission.

(3) COMMON OWNERSHIP.—No low-power television station shall be disqualified for a class A license based on common ownership with any other medium of mass communication.

(4) ISSUANCE OF LICENSES FOR ADVANCED TELEVISION SERVICES TO QUALIFYING LOW-POWER TELEVISION STATIONS.—The Commission is not required to issue any additional licenses for advanced television services to the licensees of the class A television stations but shall accept such license applications proposing facilities that will not cause interference to any other broadcast facility authorized on the date of filing of the Class A advanced television application. In reviewing such applications, the Commission shall consider the impact of such a grant on the primary television viewing audience of the applicant. Such new license or the original license of the applicant shall be forfeited at the end of the DTV transition. Low-power television station licensees may, at the option of licensee, elect to convert to the provision of advanced television services on its analog channel, but shall not be required to convert to digital operation until the Commission requires the use of digital or other advanced technologies by all full-power television stations.

(5) NO PREEMPTION OF SECTION 337.—Nothing in this section preempts section 337 of this Act.

(6) INTERIM QUALIFICATION.—

(A) STATIONS OPERATING WITHIN CERTAIN BANDWIDTH.—The Commission may not grant a Class A license to a low power television station operating between 698 and 806 megahertz, but the Commission shall provide to low power television stations assigned to and temporarily operating in that bandwidth the opportunity to meet the qualification requirements for a Class A license. When such a qualified applicant for a Class A license is assigned a channel within the core spectrum, the Commission shall simultaneously issue a Class A license.

(B) CERTAIN CHANNELS OFF-LIMITS.—The Commission may not grant a channel within the core spectrum under this subsection that includes any of the 175 additional channels referenced in paragraph 45 of its February 23, 1998, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order: MM Docket No. 87–268. Within 18 months after the date of enactment of the Community Broadcasters Protection Act of 1998, the Commission shall identify by channel, location, and applicable technical parameters those 175 channels.

(7) NO INTERFERENCE REQUIREMENT.—The Commission may not grant a Class A license nor approve a modification of a Class A license unless the applicant or licensee shows that the Class A station for which the license or modification is sought will not cause—

(A) impermissible interference within the Grade B contour of any television station (as of the date of enactment of the Community Broadcasters Protection Act of 1998, or as proposed in a minor change application filed on or be-

fore such date) or the DTV service areas provided in the DTV Table of Allotments, or subsequently granted by the Commission prior to the filing of a Class A application;

(B) interference within the protected contour of any low power television station or low power television translator station licensed, authorized by construction permit, or with a pending displacement application submitted prior to the date on which the application for a Class A license, or for the modification of such a license, was filed; or

(C) impermissible interference within the protected contour of 80 miles from the geographic center of the areas listed in section 22.625(b)(1) or 90.303 of the Commission's regulations (47 C.F.R. 22.625(b)(1) and 90.303) for frequencies in—

(i) the 470–512 megahertz band identified in section 22.621 or 90.303 of such regulations; or

(ii) the 482–488 megahertz band in New York.

[(f)**]** *(g)* EVALUATION.—Within 10 years after the date the Commission first issues additional licenses for advanced television services, the Commission shall conduct an evaluation of the advanced television services program. Such evaluation shall include—

(1) an assessment of the willingness of consumers to purchase the television receivers necessary to receive broadcasts of advanced television services;

(2) an assessment of alternative uses, including public safety use, of the frequencies used for such broadcasts; and

(3) the extent to which the Commission has been or will be able to reduce the amount of spectrum assigned to licensees.

[(g)**]** *(h)* DEFINITIONS.—As used in this section:

(1) ADVANCED TELEVISION SERVICES.—The term "advanced television services" means television services provided using digital or other advanced technology as further defined in the opinion, report, and order of the Commission entitled "Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service", MM Docket 87–268, adopted September 17, 1992, and successor proceedings.

(2) DESIGNATED FREQUENCIES.—The term "designated frequency" means each of the frequencies designated by the Commission for licenses for advanced television services.

(3) HIGH DEFINITION TELEVISION.—The term "high definition television" refers to systems that offer approximately twice the vertical and horizontal resolution of receivers generally available on the date of enactment of the Telecommunications Act of 1996, as further defined in the proceedings described in paragraph (1) of this subsection.

○